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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Nelson, et al. Art Unit : 3629  
 Serial No. : 10/624,860 Examiner : Unknown  
 Filed : July 21, 2003  
 Title : BUSINESS SOLUTION MANAGEMENT (BSM)

**MAIL STOP PETITIONS**

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

**PETITION TO ACCEPT FILING OF AN APPLICATION UNDER 37 CFR §1.47(a)**

Applicant hereby petitions under 37 CFR §1.47(a) to accept the filing of the above-referenced application, for which one of several joint inventors refuses to join in the application.

Enclosed is 1) a check for \$130 in payment of the petition fee by a large entity as set forth in 37 CFR §1.17(h), 2) a copy of a signed declaration including all named inventors except for Charles Nelson, 3) a copy of documents indicating that application papers were mailed to Charles Nelson, and 4) a copy of a telephone record for conversations with Charles Nelson.

Applicant submits that the application should be accepted for filing because the conduct of the only non-signing inventor, Charles Nelson, constitutes a refusal under MPEP 409.03(d). His conduct constitutes a refusal because Charles Nelson has been presented with the application papers in several instances, has not returned a signed declaration, has been uncooperative in signing a declaration, and has stopped responding to messages.

Over the period of at least 10 months, a bona fide effort has been made to present application papers to Charles Nelson. On several instances, a copy of the application papers, including the specification (including the claims), figures, and a declaration were sent to the last

**CERTIFICATE OF MAILING BY FIRST CLASS MAIL**

08/31/2004 HALI11 00000036 10624860

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I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

8/25/04

Date of Deposit

Nancy Grant

Signature

Nancy GRANT

Typed or Printed Name of Person Signing Certificate

Applicant : Nelson, et al.  
Serial No. : 10/624,860  
Filed : July 21, 2003  
Page : 2 of 2

Attorney's Docket No.: 14066-011001 / 2002P00234  
US01

known address of Charles Nelson. On July 16, 2003 a copy was sent via FedEx to his last known address; on July 23, 2003 a copy was sent via FedEx to his last known address; and on April 23, 2004 a copy was sent via USPS to his last known address. Never was a response received from Charles Nelson.

On the following dates, voice mail messages were left for Charles Nelson, asking for Charles Nelson to sign a declaration: October 7, 2003; December 16, 2003; February 12, 2004; April 14, 2004; and April 23, 2004. In a few instances, contact had been made with Charles Nelson, however, even on those occasions, Charles Nelson did not agree to sign the declaration (see telephone log).

Thus, the pattern of conduct by Charles Nelson, including being presented with application papers, not signing a declaration, and not responding to numerous messages, constitutes a refusal and the application should be accepted for filing under 37 CFR 1.47(a).

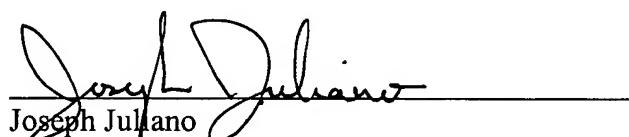
In accordance with 37 CFR 1.47 Charles Nelson's address is submitted. Applicant submits that Charles Nelson's last known address is:

Charles Nelson  
615 Terri Court  
Gilroy, CA 95020

Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 8/25/2004

  
\_\_\_\_\_  
Joseph Juliano  
Reg. No. 54,780

Fish & Richardson P.C.  
12390 El Camino Real  
San Diego, California 92130  
Telephone: (858) 678-5070  
Facsimile: (858) 678-5099



Patent  
Attorney's Docket No.: 14066-011001 / 2002P00234 US01

### COMBINED DECLARATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name.

I believe I am an original, first and joint inventor of the subject matter that is claimed and for which a patent is sought on the invention entitled:

#### BUSINESS SOLUTION MANAGEMENT (BSM)

the specification of which:

is attached hereto.

was filed on \_\_\_\_\_.

under Application No. \_\_\_\_\_

with Express Mail No. EV 348187634 US (Application Number not yet known).

was described and claimed in PCT International Application No. \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim the benefit under Title 35, United States Code, §119(e)(1) of any United States provisional application(s) listed below:

U.S. Serial No.	Filing Date	Status
60/397,320	July 19, 2002	Abandoned

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information I know to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

U.S. Serial No.	Filing Date	Status
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I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT International application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT International application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

Country	Application No.	Filing Date	Priority Claimed
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Patent

Attorney's Docket No.: 14066-011001 / 2002P00234 US01

I hereby appoint all registered practitioners associated with Customer Number 32864 to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and direct that all correspondence be addressed to:

**Customer Number 32864**

Direct all telephone calls to ALEXANDER C. CHEN, Reg. No. 45,591, at telephone number (858) 678-5070.

For Assigned Inventions: I understand that the purpose of making this appointment is to permit prosecution of patent applications for the above-identified invention for the benefit of my assignee, and that this appointment does not create an attorney-client relationship between me and these appointees.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Inventor: CLARIBEL CHAN

Inventor's Signature: Claribel Chan Date: 7/17/03  
 Residence Address: 455 Grant Ave. #9, Palo Alto, CA 94306  
 Citizenship: United States  
 Post Office Address: 455 Grant Ave. #9, Palo Alto, CA 94306

Full Name of Inventor: DAVID CHENG HU

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Residence Address: 160 Mira Street, Foster City, CA 94404  
 Citizenship: United States  
 Post Office Address: 160 Mira Street  
 Foster City, CA 94404

Full Name of Inventor: TIM LANDVOIGT

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Residence Address: Vangerowstrasse 7A, 69115 Heidelberg, Germany  
 Citizenship: German  
 Post Office Address: Vangerowstrasse 7A, 69115 Heidelberg, Germany

Full Name of Inventor: CHARLES NELSON

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Residence Address: 615 Terri Court, Gilroy, CA 95020  
 Citizenship: United States  
 Post Office Address: 615 Terri Court, Gilroy, CA 95020

Full Name of Inventor: JAMES TARVER

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Residence Address: 4034 Polonius Circle, Fremont, CA 94555  
 Citizenship: United States  
 Post Office Address: 4034 Polonius Circle, Fremont, CA 94555

Patent  
Attorney's Docket No.: 14068-011001 / 2002P00234 US01

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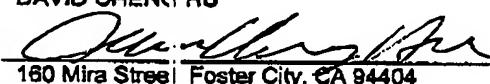
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Residence Address: Vangerowstrasse 7A, 69115 Heidelberg, Germany  
Citizenship: German  
Post Office Address: Vangerowstrasse 7A, 69115 Heidelberg, Germany

Full Name of Inventor: CHARLES NE SON

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Residence Address: 615 Terri Court Gilroy, CA 95020  
Citizenship: United States  
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Inventor's Signature: Tim Landvoigt Date: 07/17/03  
Residence Address: Vangerowstrasse 7A, 69115 Heidelberg, Germany  
Citizenship: German  
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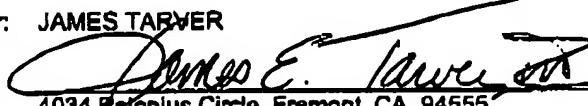
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Residence Address:	4034 Polonius Circle, Fremont, CA 94555		
Citizenship:	United States		
Post Office Address:	4034 Polonius Circle, Fremont, CA 94555		

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2 Your Internal Billing Reference 14066-011001T0N  
Recipient's Name Charles Nelson  
Phone ( 408 ) 710-1623

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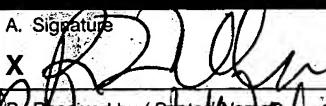
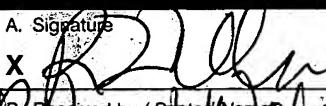
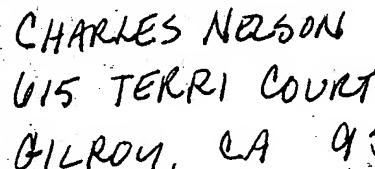
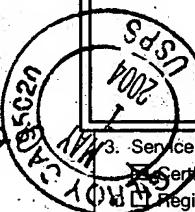
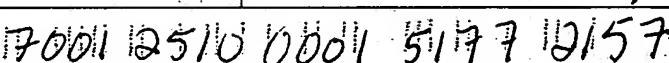
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SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"><li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li><li>■ Print your name and address on the reverse so that we can return the card to you.</li><li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>		<p>A. Signature  <input checked="" type="checkbox"/> Agent      <input type="checkbox"/> Addressee</p> <p>B. Received by / Printed Name  <input type="checkbox"/> Date of Delivery</p> <p>C. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>D. Service Type <input checked="" type="checkbox"/> Registered Mail      <input type="checkbox"/> Express Mail <input checked="" type="checkbox"/> Registered      <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail      <input type="checkbox"/> C.O.D.</p> <p>E. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes</p>	
1. Article Addressed to:  			
2. Article Number (Transfer from service label) 			
PS Form 3811, August 2001		Domestic Return Receipt	
		102595-01-M-2509	

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Telephone Memo Record



→ TO yrs. w/SAP

From: CHUCK NELSON, To: 12/16/03

Date: 9/25/03 THURS / 10/7/03 File No: 14066-011001

Phone # Dialed: 408-710-1623

Re:

DOCUMENTS GIVE A FEW DAYS Notes \_\_\_\_\_

① - DECLARATION -

② - ASSIGN M/T -

- CHUCK  
- CREATED CONCEPT ; WHOLE CONCEPT ;

10/07 - VMAIL

12/16/03 - VMAIL

~~CHUCKING UP STARTUP SWAMPED  
2/12/04. APOLOGIZE → DON'T MEAN TO STUFF A ZOM  
→ DECL. ASSIGN. → SEND SAME~~

CNELSON 4 RESULTS@aol.com

→ BREATHING SPACE NEXT WEEK WEEK

→ WED. MEETING ATN ↑ DIAL BE SIGN FOR MS

4/14/04, 1105 AM  
call Chuck,  
VM on  
cell phone

to be Taken

1207pm 4/23/2004  
UNM by JES  
→ asky he call us  
back in either case